

RETURN RECEIPT REQUESTED
CERTIFIED MAIL

EPA Docket Center
Environmental Protection Agency
Mail Code 5305T
1200 Pennsylvania Avenue, NW
Washington, DC 20460

RE: The 2003 Hazardous Waste Report,
EPA ICR Number 0976.11
(OMB Control Number 2050-0024)

The State of Nebraska Department of Environmental Quality received a telephone call from a regulated large quantity generator of hazardous waste, who expressed concern regarding the correct way to report waste minimization efforts on the 2001 Hazardous Waste Report, referred to as the "Biennial Report". The 40 Code of Federal Regulations (CFR), Parts 260 to 265, revised July 1, 2002, §262.41 Biennial Report (a)(6) and (a)(7) requires waste minimization efforts be described as part of the "Biennial Report" requirements as referenced below:

"(6) A description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated.

(7) A description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years to the extent such information is available for years prior to 1984."

The facility became aware of the discrepancy between what is required in the 40 CFR and the requirements of the 2001 Biennial Report during an internal review because they could not locate where the waste minimization information should be reported in the 2001 "Biennial Report" Instructions Book.

This situation raises two questions: 1) Was it EPA's intention to no longer require waste minimization activities be reported on the Biennial Report as it was reported in the past? or 2) Was it EPA's intention to include waste minimization efforts to continue to be reported on the Biennial Report. If the answer is the latter, where should facilities report their waste minimization efforts? If facilities are required to report their waste minimization activities, the Biennial Report Instructions need to clearly specify on which forms to report this type of information.

If the waste minimization information regarding previous waste minimization language has been carried over, but is now obsolete, than it should be removed from the Biennial Report requirements in the 40 CFR, as well as references made to waste minimization that are mentioned in this Federal Register Notice for the Biennial Report. However, if is EPA's intention to continue to collect this information, future Biennial Report Forms and Instructions should clearly specify where facilities are required to report their waste minimization activities. If this information is only placed as a comment; e.g., on the Site Identification (SI) 8700-12 Form, then it will not be very valuable, and it is our understanding that this has been the case in the past, where facilities fill in information, but it is not always very useful. If EPA decides that this information will remain in the 40 CFR, then I would appreciate knowing on what forms to refer facilities to so they are accurately and correctly filing their Biennial Reports

Please consider either providing clarification for facilities that file the report as to where they need to record this information on the Biennial Report so they are reporting properly; or delete the above-referenced language from the 40 CFR.

If you have any questions, please contact Teri Swarts at (402) 471-4218.

Thank you for your consideration of this request.

Respectfully,

Morgan R. Leibrandt
Compliance Unit Supervisor
Waste Management Section